

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

JOHN BARNHARDT, et al.,)	
)	
Plaintiffs,)	
)	
and)	
)	
UNITED STATES OF AMERICA,)	Civil Action No. 4:65-cv-01300-HTW-LRA
)	1300(E)
Plaintiff-Intervenor,)	
)	
v.)	
)	
MERIDIAN MUNICIPAL SEPARATE)	
SCHOOL DISTRICT, et al.,)	
)	
Defendants.)	

**PRIVATE PLAINTIFFS’ MOTION TO SEEK LEAVE TO RE-DEPOSE
AN UNPREPARED 30(b)(6) DESIGNEE**

Private Plaintiffs John Barnhardt *et al.* (collectively, “Plaintiffs”) hereby move this Court for an order seeking leave to re-depose Meridian Public School District Police Department (“MPSDPD”) Chief Ricardo Clayton. The District failed to adequately prepare Chief Clayton as required by Federal Rule of Civil Procedure (“Rule”) 30(b)(6). Under Rule 30(b)(6), the District had a duty to prepare Chief Clayton to be knowledgeable on topics he was assigned as a Rule 30(b)(6) designee to answer for the District. The duty included preparing Chief Clayton to know facts beyond those known to just him, as well as a review of documents relevant to the Rule 30(b)(6) noticed topics. Chief Clayton was unable to answer substantive questions about the noticed topics concerning law enforcement and the 2013 Consent Decree. Defendants failure to prepare Chief Clayton or another knowledgeable witness prevented Plaintiffs for gathering relevant information.

In support of this Motion, Plaintiffs incorporate the accompanying Memorandum and the following Exhibits:

Declaration of John S. Cusick

Exhibit 1: Plaintiffs' October 23, 2018 amended notice of the Rule 30(b)(6) deposition

Exhibit 2: Meridian Public School District Campus Police Department Law Enforcement Policies & Procedures with Associated Forms, which was introduced as Exhibit 5 during Chief Clayton's deposition

Exhibit 3: Chief Clayton Deposition Exhibits 9, 10, 11

Exhibit 4: 9:35 pm EST Email exchanges demonstrating Plaintiffs attempt to confer in good faith with the District in seeking a good faith certification

Exhibit 5: 5:26 pm EST Email exchanges demonstrating Plaintiffs attempt to confer in good faith with the District in seeking a good faith certification

Exhibit 6: 7:59 pm EST Email exchanges demonstrating Plaintiffs attempt to confer in good faith with the District in seeking a good faith certification

For reasons set forth more fully in the accompanying Memorandum of Law, Plaintiffs are entitled to re-depose Meridian Public School District Police Department ("MPSDPD") Chief Ricardo Clayton who was designated by the District. The District has not provided adequate justification for either its refusal to permit re-deposing Chief Clayton or another knowledgeable witness.

Plaintiffs conferred in good faith. Exhibit 4, 5 and 6. At this time, the District has not executed the good faith certificate. The United States does not oppose this motion.

Dated: November 16, 2018

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel record.

/s/ Natasha Merle

Natasha Merle

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